



INTERIOR BOARD OF INDIAN APPEALS

Henry Rides Horse, Jr. v. Personnel Staffing Specialist, Billings Area Office,
Bureau of Indian Affairs

28 IBIA 91 (06/28/1995)



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
4015 WILSON BOULEVARD
ARLINGTON, VA 22203

HENRY RIDES HORSE, JR.,	:	Order Docketing and Dismissing
Appellant	:	Appeal
	:	
v.	:	
	:	Docket No. IBIA 95-124-A
PERSONNEL STAFFING SPECIALIST,	:	
BILLINGS AREA OFFICE, BUREAU OF	:	
INDIAN AFFAIRS,	:	
Appellee	:	June 28, 1995

On June 23, 1995, the Board of Indian Appeals received a notice of appeal from Henry Rides Horse, Jr., pro se. Appellant seeks review of a May 23, 1995, notice informing him that he had been rated not qualified for a Bureau of Indian Affairs (BIA) police officer position for which he had applied. Although no signature appears on the BIA notice, a stamped notation indicates that appellant's application was reviewed by a personnel staffing specialist in the Billings Area Office.

This appeal is docketed under the case name and number shown above. The Board finds, however, that the appeal must be dismissed for lack of jurisdiction.

The Board lacks jurisdiction here for two reasons. First, the May 23, 1995, notice was not issued by the Billings Area Director but by a person under the authority of the Area Director. The Board has authority to review decisions of BIA Area Directors, but not decisions of individuals under their authority. See 25 CFR 2.4(e); 43 CFR 4.331(a).

Second, the Board's jurisdiction in administrative matters is limited by 43 CFR 4.330 to decisions made under 25 CFR Chapter I and other matters pertaining to Indians which are specially referred to the Board by the Secretary or the Assistant Secretary - Indian Affairs. Appellant's complaint is a personnel matter which does not fall under either category of cases described in 43 CFR 4.330.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, this appeal is dismissed for lack of jurisdiction.

//original signed
Anita Vogt
Administrative Judge

//original signed
Kathryn A. Lynn
Chief Administrative Judge

1/ Appellant filed several documents with his notice of appeal, some of which appear to be originals. The documents will be returned to appellant with his copy of this order.